

REMARKS

Claims 1-13 were pending before the examiner. The examiner has rejected all of the claims.

On July 23, 2003, a phone interview with the examiner was conducted. The subject of the interview was a proposed claim 1 which had been sent by FAX to the examiner the day before. The examiner pointed out that the proposed amendment to claim 1 raised 112 issues. Language to correct these 112 issues was discussed.

Terminal disclaimers are enclosed (together with proper payment) relative to United States Patent number 5,991,738, and co-pending application serial number 10/055,247. These two applications are based upon the same original application; the Terminal Disclaimers are meant to expedite the examination process.

Note, by this amendment, independent claims 1, 6, and 11, have been amended to include the limitation:

“... based upon said authorization indicia, connecting said customer computer to said merchant computer.” (Claim 1, amended, lines 9-10; similar language in claims 6 and 11).

The examiner has objected to the disclosure stating that the continuing data found on page 1 of the specification must be up-dated with the current status of the referenced applications.

A review of this information shows that as of this date, this data (provided by Amendment A) is accurate and complete.

The specification and claims have been reviewed for typographical and grammatical errors. No further errors have been found.

The examiner has rejected claims 1-13 under 35 U.S.C. 103(a) citing the Communications Week article in view of Hall and common well accepted practice.

Note the changes made to the independent claims, namely the requirement that the connection of the customer computer to the merchant computer. Hall merely shows the placement of data at specific locations within a data stream:

“...Under a synchronous data link control (SDLC) protocol which has information frames and supervisory frames” (Abstract, lines 5-7)

The Communications week article is also completely silent on this point (connecting customer to merchant) and deals exclusively with collecting the information and then passing the authorize/not-authorized back to the merchant:

"... intermediaries take the credit card information, secure the authorization from the credit card issuer and pass that verification along to the merchant." (Page 2, lines 4-5)


By relying on these references, the examiner is expecting "one of ordinary skill in the art" to make the currently claimed invention completely from "whole cloth". There is no support nor any suggestion in these references to proceed as claimed in the present application.

It is respectfully submitted that claims 1-13, as now amended, are not taught or suggested by the Communications Week article, Hall, or accepted practice, whether taken singly or in any combination.

The references previously used or cited by the examiner have been reviewed and none of them are felt to cure the problems already noted above.

Based upon the above, it is respectfully submitted that claims 1-13, as now amended, are allowable and should be advanced to issuance.

Respectfully Submitted,


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Date:

7/30/03

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 30, 2003.


Mark Ogram (reg. No. 30343)

Date

July 30, 2003